



SO ORDERED.

SIGNED this 23 day of April, 2018.



David M. Warren
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

**CATRINA ONEAL VINES,
DEBTOR**

**CASE NO. 16-03647-5-DMW
CHAPTER 13**

CONSENT ORDER MODIFYING CHAPTER 13 PLAN

NOW COMES the Chapter 13 Trustee and the above-captioned Debtor, by and through undersigned counsel (collectively “the Parties”), and hereby move the Court for entry of this Consent Order Modifying Chapter 13 Plan. In support of this Consent Order, the Parties say unto the Court as follows:

1. Catrina Oneal Vines (“Debtor”) filed a petition seeking relief under Chapter 13 of the Bankruptcy Code on July 14, 2016, and John F. Logan was duly appointed as the trustee for this case.
2. The Debtor’s applicable commitment period is 36 months.
3. The Debtor’s Chapter 13 Plan was confirmed on March 13, 2017, and provided for, among other things, a payment schedule of \$1,201.00 per month for a period of 60 months, for a plan base amount of \$72,060.00. A dividend to general unsecured creditors in this case was not required by either the disposable income test of 11 U.S.C. § 1325(b)(1)(B), or the liquidation test of 11 U.S.C. § 1325(a)(4), but the Trustee projected at the time of confirmation in the Minutes of 341 Meeting and Motion for Confirmation of Plan (Doc. 33) that the Debtor’s plan base would result in a dividend to general unsecured creditors of approximately 19%.
4. The Debtor’s Plan has been previously modified. The most recent modification was allowed pursuant to an Amended Order Modifying Chapter 13 Plan entered on March 7, 2018 (Doc. 71), that provided for, among other things, a modified payment schedule of

payments totaling \$14,430.00 as paid through December 2017, followed by payments of \$550.00 per month for 43 months, for a modified plan base of \$38,080.00.

5. Shortly after the entry of the Amended Order Modifying Chapter 13 Plan (Doc. 71), the Debtor filed another Motion to Modify Chapter 13 Plan on March 16, 2018, proposing a modified plan that would, among other things, provide for a post-petition mortgage arrearage claim in the amount of \$4,099.80 in favor of Local Government Federal Credit Union (“LGFCU”), as part of the resolution for a Motion for Relief from Stay.
6. Upon review of the Debtor’s Motion, the Trustee determined the Debtor’s proposed modified plan would not pay the claims of secured creditors in full and was therefore not sufficiently funded.
7. The Trustee filed a Response in Objection to the Debtor’s Motion to Modify Plan on April 6, 2018 (Doc. 84). The matter is scheduled for hearing on May 2, 2018.
8. The Debtor has not yet completed payments under her chapter 13 plan, so modification is permissible under 11 U.S.C. § 1329.
9. The Trustee and Debtor’s counsel agree the Plan should be modified to provide for the post-petition arrears claim in favor of Local Government Federal Credit Union and hereby consent to modify the Chapter 13 Plan in this case.

WHEREFORE, based upon the foregoing, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as follows:

1. The Debtor’s Chapter 13 Plan is modified to payments totaling \$15,532.00 as paid through March 2018, followed by payments of \$729.00 per month for 40 months. The plan base is modified to \$44,692.00.
2. Local Government Federal Credit Union is allowed a post-petition arrears claim in the amount of \$4,099.80, which is to be paid through the Debtor’s Chapter 13 Plan and over the remaining Plan term.
3. The Plan as modified herein shall henceforth constitute the chapter 13 plan in this case.

WE CONSENT:

s/William H. Kroll

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